

AFFIDAVIT IN SUPPORT OF
A CRIMINAL COMPLAINT

I, Pamela S. Kirschner, a Special Agent with the Federal Bureau of Investigation, being duly sworn, depose and state as follows:

INTRODUCTION

1. I have been employed as a Special Agent (SA) of the Federal Bureau of Investigation since 1997, and am currently assigned to the Cincinnati Division. While employed by the Federal Bureau of Investigation (FBI), I have investigated federal criminal violations related to high technology or cyber crime, child exploitation, child pornography, drug trafficking, white collar, and civil rights. I have gained experience through training at the Federal Bureau of Investigation and everyday work relating to conducting these types of investigations. As a federal agent, I am authorized to investigate violations of United States laws and to execute warrants issued under the authority of the United States.

2. I make this affidavit in support of an application for a criminal complaint and arrest warrant for BARIS ALI KOCH, a.k.a. BARYSH KUCHALIYEVICH VASFIEV, a.k.a. BARYSH KUCHALJEVICH, for violations of Title 18, United States Code, §§ 4, 1028A, and 1544, misprision of a felony, aggravated identity theft, and misuse of a passport, respectively. The statements in this affidavit are based in part on information provided by FBI SA Michael D. Reigle, Department of Homeland Security SA Jason G. Kearns, and on my own investigation of this matter.

3. Because this affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that BARIS ALI KOCH has committed violations of Title 18, United States Code, §§ 4, 1028A, and 1544.

STATUTORY AUTHORITY

4. This Complaint is based on alleged violations of Title 18, United States Code, § 4 (misprision of a felony), 1028A (aggravated identity theft); and, 1544 (misuse of a passport).

Title 18, United States Code, § 4 provides in pertinent part that:

Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both.

Title 18, United States Code, § 1028A provides in pertinent part that:

Whoever, during and in relation to any felony violation enumerated in subsection (c), knowingly transfers, possesses, or uses, without lawful authority, a means of identification of another person shall, in addition to the punishment provided for such felony, be sentenced to a term of imprisonment of 2 years....

Title 18, United States Code, § 1544 provides in pertinent part that:

Whoever willfully and knowingly uses, or attempts to use, any passport issued or designed for the use of another; or...Whoever willfully and knowingly furnishes, disposes of, or delivers a passport to any person, for use by another than the person for whose use it was originally issued and designed...shall be fined under this title, imprisoned....

DETAILS OF THE INVESTIGATION

5. Izmir Ali Koch, a.k.a. Izmir Kuchaliyevich Vafiev, the older brother of BARIS ALI KOCH, was convicted on December 17, 2018, for one count each of Title 18, United States Code, §§ 249 and 1001, in violation of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, and Making False Statements, respectively, in United States District Court for the Southern District of Ohio in case number 1:18:CR-034.

6. On July 9, 2019, Izmir Ali Koch was sentenced to 30 months incarceration, a \$10,000 fine, \$9,200 in restitution, and three years of supervised release in the aforementioned case. Izmir Ali Koch was allowed to self-report and was designated by the United States Bureau of Prisons to report to Federal Correctional Institution (FCI) Gilmer, located in Glenville, West Virginia, on August 16, 2019.

7. Izmir Ali Koch failed to self-surrender and an arrest warrant was issued by United States District Court Judge Susan J. Dlott, on Tuesday, August 20, 2019, when the United States Marshals Service confirmed he had failed to report.

8. On September 4, 2019, in the Southern District of Ohio, Izmir Ali Koch was indicted in case number 1:19:CR-107 on one count of Title 18, United States Code, § 3146(a)(2) failure to appear for service of a sentence, and an arrest warrant was issued by the Honorable United States Magistrate Court Judge Stephanie K. Bowman. Both arrest warrants were entered into the National Crime Information Center database.

9. Izmir Ali Koch and BARIS ALI KOCH were both born in Toytepa, Uzbekistan. They both resided in Kholmskaya, Russia, when they filed their paperwork to come to the United States as refugees. They have both maintained their Russian passports, in addition to their United States passports, and have used both to travel back and forth to the Krasnodar region in Russia, prior to the recent criminal proceedings. Their stated travel purposes included visiting family and attending weddings in Rostov, Russia. Zamira Kuchalievna Redvanova, their only sister, still resides in Rostov, Russia.

10. BARIS ALI KOCH attended all of the hearings, the trial, and the sentencing of Izmir Ali Koch.

11. On August 13 or 14, 2019, BARIS ALI KOCH contacted Izmir Ali Koch's former defense attorney and told him that he was worried about Izmir Ali Koch because he had left his telephone at the office the night before and nobody had seen him since. The attorney asked BARIS ALI KOCH if he had reported him missing and was told that he had not. The attorney warned BARIS ALI KOCH that if Izmir did not report, Izmir would be in serious trouble and that anybody who is helping him could face criminal charges as well. BARIS ALI KOCH told the attorney that neither he, nor

anyone in his family, knew where Izmir Ali Koch was, nor were they helping him.

12. After Izmir Ali Koch failed to self-surrender for punishment of his felony conviction, BARIS ALI KOCH was interviewed on September 11, 2019, about Izmir Ali Koch's whereabouts. Also present at the location of the interview was Murad Ali Koch and Ali Koch, Izmir Ali Koch's older brother and father, respectively. BARIS ALI KOCH told the interviewing agents that he last saw Izmir Ali Koch on or about Friday, August 9, 2019, at their family business, located at 1501 Webster Street, Dayton, Ohio 45404. Izmir Ali Koch was driving his 2013 black Mercedes when he arrived, but left it at the business, along with his mobile telephone, number (937) 760-3666, keys, business cards, a bank debit card, and an old driver's license. Izmir Ali Koch only stayed for approximately 10 minutes, but neither BARIS ALI KOCH nor Murad Ali Koch knew where Izmir Ali Koch went or how Izmir Ali Koch was traveling. Additionally, BARIS ALI KOCH commented that he did not think Izmir Ali Koch could have left the United States, as BARIS ALI KOCH had assisted Izmir Ali Koch in surrendering both his United States and Russian passports to the court.

13. When asked where Izmir Ali Koch's 2013 black Mercedes was currently, BARIS ALI KOCH said he sold it to pay for debts Izmir Ali Koch had left for the family. A review of the registration records for Izmir Ali Koch's black Mercedes, Vehicle Identification Number WDDLJ9BB7DA075958, revealed that Izmir Ali Koch had transferred the vehicle to BARIS ALI KOCH, on August 6, 2019. At the time of the transfer, the vehicle mileage was 56,500. On August 26, 2019, BARIS ALI KOCH sold the vehicle to Carmax Auto Superstores Inc., located in Dayton, Ohio. At the time of the sale, the vehicle had 56,692 miles on it.

14. On September 4, 2019, Nargiz Koch, Izmir Ali Koch's wife, was interviewed about the whereabouts of her husband. Nargiz Koch said the last time she saw her husband was on August 10, 2019. However, in a prior interview on August 26, 2019, her brother, Osman Mardall, reported the last

time Nargiz Koch saw Izmir Ali Koch was on or about August 7, 2019. Nargiz Koch said that she and her children have been very upset since her husband disappeared and BARIS ALI KOCH has been looking for Izmir Ali Koch without success. Nargiz Koch celebrated a big holiday on August 11, 2019, at Izmir Ali Koch's mother's house, located at 534 Baltimore Street, Dayton, Ohio 45404. All of Izmir Ali Koch's family was there, except for Izmir Ali Koch.

15. A review of Ohio Bureau of Motor Vehicle (BMV) records for BARIS ALI KOCH revealed that he obtained a driver's license, license number TU309704, on July 19, 2019, and a replacement license on August 21, 2019. On September 20, 2019, Jeff Payne, Chief, Ohio BMV Record Services, provided certified records documenting that BARIS ALI KOCH stated that he lost his driver's license both times he had it reissued.

16. [REDACTED] Izmir Ali Koch [REDACTED]
modified his appearance to the likeness of BARIS ALI KOCH [REDACTED]
[REDACTED]
[REDACTED]

17. Ohio BMV records list 534 Baltimore Street, Dayton, Ohio 45404, as the residence of BARIS ALI KOCH. Additionally, Lexis-Nexis, a public records database, lists BARIS ALI KOCH residing at 534 Baltimore Street, Dayton, Ohio 45404. Finally, your affiant interviewed BARIS ALI KOCH at 534 Baltimore Street, Dayton, Ohio 45404, and he identified the residence as his home.

18. United States Department of State confirmed that a United States passport, bearing number 507493295, was issued to BARIS ALI KOCH, a.k.a. BARYSH KUCHALJEVICH, on June 12, 2013, and will expire on June 11, 2023.

19. According to the Mexican National Institute of Migration, on August 9, 2019, "Baria Ali Koch," an individual born on February 17, 1989, who entered Mexico by land as a visitor, provided

United States passport number 507493295, during a routine immigration inspection point at the Reynosa Airport requiring an official passport. BARIS ALI KOCH was, in fact, born on February 17, 1989.

20. Based on the August 9, 2019, presentation of BARIS ALI KOCH's passport at Reynosa Airport, it is evident that BARIS ALI KOCH lied during his September 11, 2019 interview, when he claimed to have seen Izmir Ali Koch in person on August 9, 2019, as there is no record of either BARIS ALI KOCH or Izmir Ali Koch flying domestically, or internationally, from a United States airport during that time, and Izmir Ali Koch could not have driven to Mexico, from Dayton, Ohio, in time to reveal BARIS ALI KOCH's passport to the Mexican authorities on August 9, 2019.

21. Furthermore, it is your affiant's opinion, based on numerous contacts with BARIS ALI KOCH during the hate crime investigation involving Izmir Ali Koch and others, that BARIS ALI KOCH has been consistently hostile and unreliable, often espousing alternative scenarios versus the truth, when speaking with law enforcement.

22. On August 15, 2019, BARIS ALI KOCH received a DHL Express Shipment, tracking number 1242783065. The package was sent to BARIS ALI KOCH, 534 Baltimore Street, Dayton, Ohio 45404. The package was sent from BARIS ALI KOCH, Pr-T Stachki 25, Rostov Na Donu, Russia 344000. The package description was listed as "PASSPORT, COPIES OF DOCUMENTS." Ali Koch signed the receipt for the package delivery. BARIS ALI KOCH did not reveal the existence of this package during his September 11, 2019 interview with agents regarding Izmir Ali Koch's possible whereabouts.

23. As a result of Izmir Ali Koch not reporting as designated by the United States Bureau of Prisons, the FBI has interviewed his family members and members of the community, as well as conducted surveillance on people and addresses related to Izmir Ali Koch. Additionally, an FBI wanted poster was created and posted to the media. All leads received were pursued to no avail. Investigative

efforts and results lead me to conclude, based on my training and experience, that Izmir Ali Koch left the United States, and that no other known associates of BARIS ALI KOCH or his family have left the United States. No individual apart from Izmir Ali Koch had the opportunity or motive to obtain and use BARIS ALI KOCH's passport.

24. There is no record of either BARIS ALI KOCH or Izmir Ali Koch flying domestically or internationally to or from a United States airport since August 9, 2019, when BARIS ALI KOCH's passport was presented at the Reynosa Airport in Mexico. Furthermore, there is no record of BARIS ALI KOCH's passport being presented at any border checkpoints in order to enter the United States from Mexico after August 9, 2019. I am aware that the real BARIS ALI KOCH is still in Dayton, Ohio, based on my personal observations. Therefore, the real BARIS ALI KOCH could not have used his passport to travel outside the United States in August 2019, and also be present in the United States in October 2019.

25. Since Izmir Ali Koch was sentenced to a prison term, BARIS ALI KOCH has made steps to sell or liquidate his major assets, including his home and business. Based on my training and experience, this abrupt change in financial behavior can be indicative of preparatory plans to evade law enforcement.

26. Information provided during an interview of Izmir Ali Koch's neighbor described BARIS ALI KOCH showing Izmir Ali Koch's residence to prospective buyers in the community. Recent surveillance in the old north Dayton area, revealed that both Murad Ali Koch's residence and the Koch business location at 1501 Webster Street, Dayton, Ohio 45404, are currently for sale. All of these are indications that BARIS ALI KOCH and his extended family plan to move in the near future.

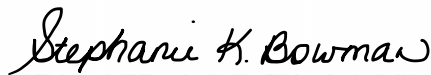
CONCLUSION

27. Based on the aforementioned factual information, your affiant respectfully submits that there is probable cause to believe that BARIS ALI KOCH, born XX-XX-1989, Social Security Account Number XXX-XX-9445, residing at 534 Baltimore Street, Dayton, Ohio 45404, knowingly and purposefully committed acts to aid Izmir Ali Koch, in order to prevent him from being arrested, after he had been convicted of a felony and ordered to self-report to FCI Gilmer, in violation of Title 18, United States Code, § 4 (misprision of a felony), 1028A (aggravated identity theft); and, 1544 (misuse of a passport). Therefore, I respectfully request the issuance of a warrant for the arrest of BARIS ALI KOCH.



Pamela S. Kirschner
Special Agent
Federal Bureau of Investigation

Sworn and subscribed before me this 11th day of October, 2019. Via electronic means,
specifically FaceTime.



HONORABLE STEPHANIE K. BOWMAN
UNITED STATES MAGISTRATE JUDGE

